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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,328	03/09/2004	Andrew McDonald	82478-5400	4277
21611	7590	07/10/2007	EXAMINER	
SNELL & WILMER LLP (OC)			RAMAKRISHNAIAH, MELUR	
600 ANTON BOULEVARD			ART UNIT	PAPER NUMBER
SUITE 1400			2614	
COSTA MESA, CA 92626				
			MAIL DATE	DELIVERY MODE
			07/10/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/797,328	MCDONALD, ANDREW
	Examiner	Art Unit
	Melur Ramakrishnaiah	2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1)  Responsive to communication(s) filed on 19 March 2004.
- 2a)  This action is FINAL.                                    2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4)  Claim(s) 1-19 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1,2,14,15 and 19 is/are rejected.
- 7)  Claim(s) 3-13 and 16-18 is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some \* c)  None of:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 7-24-06/8-29-06.
- 4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5)  Notice of Informal Patent Application
- 6)  Other: \_\_\_\_\_.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-2, 14-15, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uchida et al. (US PAT: 6,696,956, hereinafter Uchida) in view of Taiji (JP2001-127896).

Regarding claim 1, Uchida discloses a monitoring device, comprising: a mobile telephone (12, figs. 1-2) telephone having a radio transmit/receive function, an operation detect unit operable to detect key input operation (this is implicit in as much as the reference teaches dialing telephone numbers to initiate call) by a user, a transmission control unit operable to have the mobile telephone transmit an emergency notification message to a predetermined address (col. 5, line 43 – col. 6, line 62).

Uchida differs from claims 1-2 in that although he teaches transmission emergency message using a mobile telephone (12, figs. 1-2), he does not specifically teach preset period has elapsed since the key input operation was last detected in order to initiate emergency communication only within a preset time slot.

However, Taiji discloses safety confirmation system which teaches: preset period has elapsed since the key input operation was last detected in order to initiate emergency communication only within a preset time slot (abstract; paragraphs: 0013-0014; Drawings: 1, 4).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Uchida's system to provide for: preset period has elapsed since the key input operation was last detected in order to initiate emergency communication only within a preset time slot as this arrangement would provide an alternative scheme to initiate emergency communication as taught by Taiji.

Regarding claims 14-15, Uchida further teaches the following: warning generation unit operable, when the period has elapsed to emit a warning indicating that the preset period has elapsed, wherein the transmission control unit has the mobile telephone transmit emergency notification message to the predetermined address, only when key input operation is not detected within a predetermined period of time after warning is emitted (col. 6 lines 19-62).

Claim 19 is rejected on the same basis as claim 1.

3. Claims 3-13, 16-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

--(4,524,243) to Shapiro discloses a personal alarm system operative to provide a warning at a central monitoring station indicative of subscriber inactivity.

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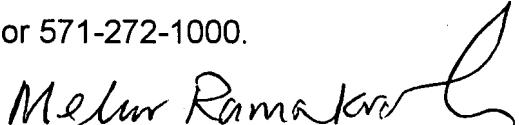
--(3,989,900) to Dibner discloses an alarm system for automatically sending a telephone message or other remote signal in case help is needed for a person residing alone.

--(6,359,557) to Bilder discloses monitoring and notification system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (571)272-8098. The examiner can normally be reached on 9 Hr schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Melur Ramakrishnaiah  
Primary Examiner  
Art Unit 2614